(1)

Supreme Court, U.S.
FILED

No. 03 406 JUN 4 2003

OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

SHERRYL SNODGRASS CAFFEY, ESQ.
Petitioner,
v.
STATE OF ALABAMA, ET AL.,
Respondents

ON PETITION FOR A WRIT OF CERTIORARI to the UNITED STATES COURT OF APPEALS for the ELEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Sherryl Snodgrass Caffey
Counsel of Record
P.O. Box 1327
Normal, Alabama 35762
(256) 551-0333

40 pgs

QUESTION PRESENTED

1. Whether the Eleventh Circuit Court of Appeals abused its discretion and erred to reversal in finding that the "*Rooker-Feldman* doctrine" barred Appellant's Federal claims of: conspiracy, denial of due process, denial of equal protection, denial of freedom of speech; and her state law claims of: conspiracy, abuse of process, assault and battery; invasion of privacy; libel and slander, outrageous conduct; negligence and wantoness, and complaint for declaratory judgment.

LIST OF PARTIES

Petitioner: Sherryl Snodgrass Caffey, Esq.

Respondents: State of Alabama

Judge James W. Woodrof

Kristi A. Valls, District Attorney

Brian Jones, Asst. Dist. Attorney

Charles Page, Jr., Court Clerk

Regina Gentry, Court Reporter

Limestone County Commission

Mike Blakely, Sheriff

Allen Craig, Deputy Sheriff

Stanley Menefee, Commissioner

David Seibert, Commissioner

Tommy Raby, Commissioner

Bill Latimer, Commissioner

Gerald Barksdale, Commissioner

TABLE OF CONTENTS

QUESTION RESENTED..... i

LIST OF PARTIES..... ii

TABLE OF CONTENTS..... iii

TABLE OF CITED AUTHORITIES..... iv

CITATIONS OF OPINIONS BELOW..... 1

BASIS FOR JURISDICTION..... 1

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED..... 2

STATEMENT OF THE CASE..... 4

BASIS FOR FEDERAL JURISDICTION..... 15

ARGUMENT..... 16

REASONS FOR GRANTING THE WRIT..... 7

CONCLUSION.....22

INDEX TO APPENDICES..... 24

TABLE OF CITED AUTHORITIES

STATUTES:

First Amendment.....15, 21
Fourth Amendment.....15
Fifth Amendment.....10, 14, 15, 17, 21
Sixth Amendment.....10, 14, 15, 17, 21
Eighth Amendment..... 9, 15
Fourteenth Amendment.....10, 14, *17, 21*
42 U.S.C. , Sections 1983 ..... 4, 15, 17
42 U.S.C. Section 1985..... 4, 15, 17, 21
Code of Ala. § 12-1-11..... 7

CASES:

Blue Cross and Blue Shield of Maryland, Inc. 20
v. Weiner, 868 F. 2d 1550, 1555 (11th Cir. 1989)

Brown v. State, 701 So. 2d 314, 316..... 8
(Ala. Crim. App. 1997)

District of Columbia Court of Appeals et al 16
v. Feldman et al, 460 U.S. 462; 103 S.Ct. 1303; 75
L.Ed 2d 206 (1983)

Rooker et al v. Fidelity Trust Co. et al,.....14, 16, 18
263 U.S. 413; 44 S.Ct. 149; 68 L.Ed.362 (1923)

Siegel, 234 F. 3dd at 1172..... 19

Smith v. State, 745 So. 2d 922, 928 9
(Ala. Crim. App. 1999)

Whitt v. State, 733 So. 2n 463, (Ala. Crim. App. 1998) ... 10

Wood v. Orange County and Kenneth Kienth..... 18
715 F.2d 1543 (1983 11th Cir.)

CITATIONS OF OPINIONS BELOW

Caffey v. Ala., 203 U.S. App. Lexis 9319 (11th Cir. 2003)

Caffey v. State of Alabama, et al., Civil Action No. CV-02-S-0755-NE (United States District Court, Northern District of Alabama 2002)

BASIS FOR JURISDICTION

The date of entry of the Eleventh Circuit Court of Appeals' Order sought to be reviewed is March 6, 2003. Accordingly, pursuant to *Rule 14 of the Supreme Court Rules*, this petition is timely filed on this date.

Petitioner contends that this Honorable Court has jurisdiction to review her Petition for Writ of Certiorari pursuant to *Rule 10(c)* of the Supreme Court Rules.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED IN THE CASE

The *First Amendment to the United States Constitution*, which provides, in pertinent part: "Congress shall make no law ... abridging the freedom of speech."

The *Fourth Amendment to the United States Constitution*, which provides, in pertinent part: "The right of the people to be secure in their persons ... against unreasonable searches and seizures, shall not be violated ..."

The *Fifth Amendment to the United States Constitution*, which provides, in pertinent part: "No person shall ... be deprived of life, liberty, or property, without due process of law ..."

The *Sixth Amendment to the United States Constitution*, which provides, in pertinent part: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury ..."

The *Eighth Amendment to the United States Constitution*, which provides: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

The *Fourteenth Amendment to the United States Constitution*, which provides, in pertinent part: "... "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property,

without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

42 U.S.C. § 1983, which provides, in pertinent part: "Any person who, under color of any statute, ordinance, regulation, custom, or usage, of any state ... subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution or laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress ..."

42 U.S.C. § 1985(3), which provides, in pertinent part: "If two or more persons in any State, or territory conspire ... for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws, or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws ... in any case of conspiracy set forth in this section, of one or more persons engaged therein, do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators."

STATEMENT OF THE CASE

This is a request for review of the March 6, 2003 Eleventh Circuit Court of Appeals' affirmation of the United States District Court's dismissal of Petitioner's, federal claims, to wit: violations of 42 U.S.C. Section 1983, denial of due process, denial of equal protection, denial of freedom of speech, 42 U.S.C. Section 1985(3) conspiracy; and dismissal of Petitioner's state claims, to wit: conspiracy, abuse of process, false arrest/imprisonment, assault & battery, libel & slander, outrageous conduct, and complaint for declaratory judgment, as to all defendants, who are named herein as Respondents.

The aforesaid claims arose in the aftermath of Judge Woodrof finding Petitioner in contempt of court during a criminal jury trial in which she was serving as defense counsel under the following

circumstances:

1. During the course of a criminal trial in which Petitioner, an attorney, duly licensed by the State of Alabama, the United States District Court for the Northern District of Alabama, the Eleventh Circuit Court of Appeals and this Honorable Court, was representing a criminal defendant, Judge Woodrof found her to be in open contempt of court and had her immediately shackled and removed from the courtroom. Petitioner was then arrested and imprisoned in the all-male section of the Limestone County jail under unhealthy, unsafe, intimidating and humiliating circumstances.

Approximately twenty-four hours after her aforesaid imprisonment, Judge Woodrof issued an Order, which advised her of her sentence of five days and authorized her to get out of jail by posting an appeal bond. Judge Woodrof gave no grounds for his contempt in either his oral or written order.

Petitioner filed an appeal and was released from jail. The Alabama Court of Criminal Appeals affirmed the trial court; and the Alabama Supreme Court denied her Petition for Writ of Certiorari.

Petitioner eventually filed a federal lawsuit in the United States District Court for Northern Alabama [hereinafter referred to as the "trial court"], wherein she alleged the federal and state claims outlined herein. The trial court dismissed said claims based upon the *Rooker-Feldman* Doctrine. Petitioner appealed said dismissal to the Eleventh Circuit Court of Appeals, which affirmed the ruling of the trial court, reversing only Petitioner's 8th Amendment claims.

In her lawsuit, Petitioner raised the following general constitutional challenges to the state appellate process:

1. Pursuant to state law, policy, procedure and/or custom, the filing of an appeal is required for an appeal bond post conviction. *Code of Ala. § 12-1-11* Petitioner filed an appeal and was released from jail. However, the act of filing the appeal deprived her, and it deprives others similarly situated, of an opportunity to raise their claims in the proceedings surrounding the entry of judgment, as it deprives them of any reasonable opportunity to challenge convictions and sentences in the trial court. As a consequence thereof, Petitioner, and others similarly situated, are forced to choose between an appeal and release under an appeal bond, or no appeal and immediate incarceration.

As further consequence thereof, Petitioner, and others similarly situated, are severely prejudiced in the appellate process in that state law, policy, procedure and/or custom mandates that any issues

not raised in and ruled upon in the trial court are not preserved for appellate review. *Brown v. State, 701 So. 2d 314, 316 (Ala. Crim. App. 1997)*

In her federal lawsuit, Petitioner used examples from her contempt appellate process as evidence of the general constitutional issues she challenged. For example: Petitioner, an African American female criminal defense attorney, alleged therein that Judge Woodrof engaged in intersectionality and that he denied her equal protection; that he rationalized his finding of contempt to the jury, at least in part, as being based upon an Ex parte conversation with the District Attorney; that he violated several statutory and legal requirements concerning contempt procedures; and that he, the court clerk and the court reporter falsely certified the record as correct or complete and/or they tampered with evidence by omitting, removing or adding testimony, exhibits, or

documents from the record. However, since Petitioner, and others, are precluded from raising issues in the appellate court which were not raised in and ruled on in the proceedings surrounding entry of the judgment, Petitioner, and others, are deprived of fair access to the state appellate system; and they are deprived of their constitution rights to: due process [as guaranteed by the 5th & 14th Amendments]; equal protection [as guaranteed by the 14th Amendment]; a fair and impartial hearing [as guaranteed by the 6th Amendment]; and bail and protection against cruel and unusual punishment [as guaranteed by the 8th Amendment].

2. The State maintains a law, policy, procedure and/or custom which requires the appellant to secure the record on appeal, although the appellant has neither custody nor control over the same. E.g. *Smith v. State, 745 So. 2d 922, 928 (Ala.*

Crim. App. 1999); and which mandates that the court is bound by the record certified on appeal. E.g., *Whitt v. State, 733 So. 2n 463, 481 (Ala. Crim. App. 1998)* This law, policy procedure and/or custom effectively deprives Petitioner, and others similarly situated, of due process, equal protection and a fair and impartial hearing in the appellate process, in violation of the 5th, 6th & 14th Amendments.

In her lawsuit, Petitioner raised the aforesaid general constitutional challenge and used her appellate case as an example thereof, and of the resulting constitutional deprivations, to wit: The fact that her appellate court record and transcript were sabotaged as follows: the unsigned pages of three indictments, the Demand for Discovery, the Motions to Suppress and Motion in Limine, all of the Exhibits, and critical portions of the transcript -- all of which documented the legality of Petitioner's zealous defense

of her client; her zealous defense of his constitutional rights to due process, equal protection and a fair and impartial trial; and her objections to the state's unlawful acts, as opposed to contumacious conduct -- were removed therefrom.

Petitioner also used her case to document a state policy, procedure and/or custom, wherein in response to Petitions for Mandamus to compel the trial court to correct its record, the appellate court accepts the certification of the trial judge that the record is correct, although it has overwhelming evidence to the contrary. In the instant case, Petitioner petitioned the state appellate court to issue its Writ of Mandamus requiring the trial court to correct the record; however, in response thereto, Judge Woodrof falsely certified the record correct. Circuit Clerk Page and Court Reporter Gentry had previously falsely certified the record as complete.

Petitioner also alleged in her lawsuit that the State Respondents conspired and federated to deny her due process, equal protection and a fair hearing, as guaranteed by the 5th, 6th, and 14th Amendments.

3. In her lawsuit, Petitioner also asserted that the state maintains a custom, policy, procedure, or practice which permits it to render a finding and/or decision on an appellate issue after finding that said appellate issue was not preserved for appellate review; and that said custom, policy, procedure, or practice creates an illusion of a final decision on all of the issues, although the facts, arguments, and authorities presented by the appellant have been eradicated from the appellate review process. Plaintiff further avers that said custom, policy, procedure or practice effectively denies the appellant a fair and impartial hearing in the State appellate court in violation of the 6th Amendment; and

that it deprives the appellant of an opportunity to seek legal redress in a separate lawsuit in Federal Court pursuant to the *Rooker-Feldman"* Doctrine, as evident in the dismissal of Petitioner's claims in her lawsuit.

In the instant case, notwithstanding the Court of Criminal Appeals' findings that Petitioner had not preserved her appellate issues for review, said Court additionally found that even if she had preserved said issues for review, it would find no error. Said rulings were made with the total lack of consideration for the arguments, authorities, and evidence submitted by Caffey.

4. In her lawsuit, Petitioner asserted that the State of Alabama maintains a custom, policy, practice which permits it to "second guess" the reasons for a trial judge's decision. As an example of the foregoing, she used her case wherein Judge Woodroof gave no reason for his finding of contempt,

however, the Court of Criminal Appeals gave reasons therefor in its Memorandum of Decision. Additionally, she asserted that the aforesaid policy denies her, and others similarly situated, their constitutionally protected rights to due process and to a fair and impartial hearing, as guaranteed by the *5th, 6th, and 14th Amendments to the United States Constitution.*

Although the trial court in its Memorandum Opinion acknowledged that Petitioner made general constitutional challenges to Respondents' conduct following her incarceration and during the appellate process, it ruled that said challenges were "mere artifice" and that they violated the principles of the *"Rooker-Feldman"* doctrine.

Jurisdiction was invoked in the U. S. District Court pursuant to 28 U.S.C. § 1331, 28 U.S.C § 1332, 28 U.S.C. § 1343, 28 U.S.C. § 1367, 42 U.S.C. § 1983; 42 U.S.C. § 1985(3); 42 U.S.C. § 1988; the First, Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution; and Article I, § 1; Article I, § 4; Article I, § 5; Article I, § 6 of the Constitution of Alabama

BASIS FOR FEDERAL JURISDICTION

The Eleventh Circuit Court of Appeals has decided an important question of federal law that has not been, but should be, settled by this Court, and/or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

ARGUMENT

In the instant case, the United States District Court found that Petitioner's claims constituted an appellate review of her appeal in the State court and dismissed all of Petitioner's Federal and State claims as to each defendant based upon the "Rooker-Feldman" doctrine. The Eleventh Circuit Court of Appeals affirmed said dismissal as to all claims except her Eighth Amendment claims.

While the Rooker-Feldman Doctrine, which emanates from *Rooker et al v. Fidelity Trust Co. et al,* 263 U.S. 413; 44 S.Ct. 149; 68 L.Ed.362 (1923) and *District of Columbia Court of Appeals et al v. Feldman et al,* 460 U.S. 462; 103 S.Ct. 1303; 75 L.Ed 2d 206 (1983), may generally bar the losing party in a state court proceeding "from seeking what in substance would be appellate review of the state judgment in a United States District court, based on the losing

party's claim that the state judgment itself violates the loser's federal rights," Petitioner's claims are based upon allegations that State law, policy, procedures and/or custom concerning the appellate process violated her federal rights. Additionally, Petitioner's claims are based upon state law, policy, procedure and/or custom, which deprives state appellants of: due process, in violation of the Fifth and Fourteenth Amendments to the United States Constitution; equal protection in violation of the Fourteenth Amendment to the United States Constitution; and to a fair and impartial appellate review in violation of the Sixth Amendment to the United States Constitution and the statutory provisions of 42 U.S.C. , Sections 1983 and 1985(3). Moreover, Petitioner's claims seek prospective relief, as well as relief for other persons similarly situated.

Additionally, there are exceptions to the "Rooker-Feldman" doctrine, which apply in the instant case, to wit:

In *Wood v. Orange County and Kenneth Kienth*, 715 F.2d 1543 (1983 11th Cir.), the appellate court found that the Plaintiffs therein were entitled to bring a federal claim in the district court because the issue for which they sought review was not heard in state court and the issues were sufficiently separate. *Wood* also ruled that:

> **The important point is that plaintiffs lacked a reasonable opportunity to raise their claims in the proceedings surrounding entry of the judgment"** and **"Since plaintiffs did not have a reasonable opportunity to raise their claims in the state trial court where judgment was entered or on appeal of that judgment, the district court will not usurp the role of state appellate courts or the**

Supreme Court by accepting jurisdiction. The plaintiffs allegations were not 'inextricably intertwined' with the state court judgment.

Further, Petitioner hereby asserts that her claims for conspiracy, abuse of process, false arrest, assault and battery, invasion of privacy, libel and slander and outrageous conduct and her general constitutional challenges of the appellate court's decision are not inextricably intertwined with the state court judgment in this case in that none of the issues supporting these claims were before the appellate court. In its ruling, the appellate court cited *Siegel, 234 F. 3dd at 1172*, to wit: "A federal claim is inextricably intertwined with a state court judgment if the federal claim succeeds only to the extent that the state court wrongly decided the issues before it." Plaintiff's tort claims of conspiracy, abuse of process, false arrest, assault and battery, invasion of privacy,

libel and slander, outrageous conduct and her general constitutional challenges were not issues in her State appeal. Accordingly, there is no state ruling thereon.

Additionally, the appellate court citing *Blue Cross and Blue Shield of Maryland, Inc. v. Weiner, 868 F. 2d 1550, 1555 (11th Cir. 1989)*, ruled that "A party's ability to raise a claim on appeal of the state court judgment constitutes a reasonable opportunity to raise her claim in the state court proceedings." Inasmuch as there was no judgment on any of Petitioner's state law tort claims, nor on her general constitutional claims, there existed no judgment from which to appeal, and she had no ability to raise such claims on appeal. Accordingly, she had no reasonable opportunity to raise the aforesaid claims in the state court proceedings.

Petitioner asserts that her federal and state claims concerning the aforesaid state law, policy, procedure and/or custom were not raised in the state court; and that they are not inextricably intertwined with the state court judgment.

Additionally, pursuant to *42 U.S.C. § 1985,* the United States District Court has jurisdiction over cases alleging a conspiracy to interfere with civil rights, as in the instant case, wherein Petitioner has alleged that some of the Respondents conspired and federated to deprive her of her constitutionally protect rights to due process, equal protection, a fair and impartial hearing, and freedom of *speech in violation of the 1st, 5th, 6th,* and 14th Amendments to the United States Constitution.

CONCLUSION

The Petition for Writ of Certiorari should be granted so that this Honorable Court can review the important federal questions contained herein, which have profound impact upon the ability of state appellants to receive "equal justice under the law."

The Petition should also be granted in order to protect the constitutional rights of Alabama citizens as guaranteed by the 1st, 4th, 5th, 6th, 8th, and 14th Amendments to the United States Constitution.

The Petition should be granted because under the unique circumstances of this case, wherein State officials have either blatantly violated state and federal laws, and or acquiescenced in violations of the same, it would be manifestly unjust to all criminal defendants and litigants not to grant the within requested Writ of Certiorari.

Respectfully submitted,

Sherryl Shodgrass Caffey, Esq.
200 West Side Square
Suite 55
Huntsville, Alabama
(256) 551-0333

INDEX TO APPENDICES

APPENDIX A:	**ELEVENTH CIRCUIT COURT OF APPEALS OPINION**
APPENDIX B:	**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ALABAMA, NORTHEASTERN DIVISION MEMORANDUM OPINION**
APPENDIX C:	**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ALABAMA, NORTHEASTERN DIVISION ORDER**
APPENDIX D:	**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ALABAMA, NORTHEASTERN DIVISION POST-JUDGMENT ORDER**

APPENDIX "A"

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 02-15271 Non-Argument Calendar

D.C. Docket No. 02-00755-CV-S-NE

SHERRYL SNODGRASS CAFFEY,
Plaintiff-Appellant,

versus

STATE OF ALABAMA, its agents,
officers, employees, successors in office, and
all persons acting in concert or in participation in the
matters complained of herein, individually, and in
their official capacities,
LIMESTONE COUNTY, ALABAMA, its agents officers,,
employees, successors in office, and all persons acting
in concert or in participation in the matters
complained of herein, individually, and in their official
capacities,
LIMESTONE COUNTY COMMISSION, consisting of.
Stanley Menefees, David Seibert, Tommy Raby, Bill
Latimer, and Gerald Barksdale, in their official
capacities,
JAMES W. WOODROOF, JR., individually, and in his
official capacity as Limestone County Circuit Judge,
KRISTI A. VALLS, individually, and in her official
capacity as District Attorney for Limestone Cty., et al.,

Defendants - Appellees.

Appeal from the United States District Court
for the Northern District of Alabama

(March 6, 2003)

Before CARNES, HULL and WILSON, Circuit Judges.

PER CURIAM:

Appellant-plaintiff Sherryl Caffey, an attorney, was held in contempt of court and incarcerated by the defendant Judge James Woodroof, Jr. in Alabama. Caffey filed this lawsuit seeking damages under state law and under 42 U.S.C. §§ 1983, 1985, and 1988 for alleged violations of her constitutional rights during her incarceration and contempt proceedings.

The district court determined that Caffey's action essentially challenged matter jurisdiction under the Rooker-Feldman[1] doctrine. After review, we affirm the dismissal of all of Caffey's claims except her separate Eighth Amendment claim for unconstitutional prison conditions brought against defendants Limestone County, the Limestone County Commissioners, Sheriff Blakely, and Deputy Sheriff Craig and her one state law claim also addressing prison conditions.

---

[1]See Rooker v. Fidelity Trust Co., 263 U.S. 413, 415-16 (1923); District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 486 (1983).

I. BACKGROUND

A. State Court Proceedings

Plaintiff Caffey was counsel for a defendant in a criminal proceeding before Judge Woodroof, a defendant in this case. Judge Woodroof found Caffey in "open contempt" of court and sentenced her immediately to jail. Caffey contends that she was placed in the all-male jail section of the Limestone County jail.

The next day, Judge Woodroof entered a written contempt order sentencing Caffey to pay a fine and serve five days in jail. Judge Woodroof also set an appeal bond in the amount of $300.00. Caffey appealed her contempt conviction and sentence and designated the entire record in her client's criminal case as the appellate record in her contempt case. Judge Woodroof entered and order certifying to the Alabama appellate court that the record was "true, correct and complete."

Before the Alabama Court of Criminal Appeals, Caffey alleged that the appellate record was not complete and that certain critical testimony was missing from the trial transcript. Caffey filed exhibits to refute Judge Woodroof's certification.

The Alabama Court affirmed Judge Woodroof's contempt finding and order of incarceration. Caffey v. State, 814 So.2d 1017 (Ala. Crim. App. 2000) (unpublished table decision). The Alabama appellate court first noted that Caffey failed to preserve her claims by not raising them in the state trial court. Caffey v. State,, No. 99-1304, slip op. at 10 (Ala. Crim. App. Sept. 22, 2000). The Alabama appellate court also reached the merits of Caffey's appeal and concluded that the record supported the contempt

finding. Id. The Alabama appellate court specifically rejected Caffey's claim that Judge Woodroof "falsely certified" the record on appeal, stating that Caffey failed to seek appropriate relief in the appellate court pursuant to the Alabama Rules of Appellate Procedure. Id. at 10-11. The Alabama Supreme Court denied Caffey's petition for a writ of certiorari Ex parte Caffey, 787 So.2d 724 (Ala. 2000) (unpublished table decision).

B. Federal Court Proceedings

Caffey then filed this federal lawsuit naming as defendants: (1) the State of Alabama, (2) Limestone County, Alabama, (3) Circuit Judge James W. Woodroof, Jr., (4) District Attorney Kristi Valls, (5) Assistant District Attorney Brian Jones, (6) Clerk of the Court Charles Page, Jr., (7) Court Reporter Regina Gentry, (8) Sheriff Mike Blakely, (9) Deputy Sheriff Allen Craig, and (10) the Limestone County Commissioners.[2]

In her initial complaint, Caffey brought (1) due process, (2) equal protection, and (3) freedom of speech claims under § 1983 (counts one, two, and three). Caffey's complaint asserted that the defendants violated her constitutional rights in citing and jailing her for contempt of court, during her incarceration, and during the course of her state appellate court proceedings. Caffey's complaint also contained these state law claims (counts four through ten): (4) conspiracy to deny her a true, correct, and complete appellate

---

[2]Caffey sued the officials in both their individual and official capacities.

record, (5) abuse of process, (6) false imprisonment and/or false arrest, (7) assault and battery, (8) invasion of privacy, (9) libel and slander, and (10) outrageous conduct.

All defendants moved to dismiss Caffey's complaint on various grounds, including both immunity defenses and lack of subject matter jurisdiction under the Rooker-Feldman doctrine.[3]

Before the district court ruled on the defendants' motions, Caffey amended her complaint. Caffey's amended complaint re-adopted all of the claims in the ten counts of the initial complaint and set forth four new counts containing "general constitutional challenges" to Alabama's trial and appellate procedures. Caffey's amended complaint also added (1) a § 1985 conspiracy claim asserting certain defendants denied her a correct and complete appellate record and a reasonable opportunity for her claims to be considered by the state appellate court and (2) an Eighth Amendment § 1983 claim against various defendants based on prison conditions. Among other things, Caffey alleged she unlawfwly was placed in solitary confinement, denied toiletries, showers, any linen, a clean blanket, and that the food and drink were not consumable. Caffey asserted she unlawfully was incarcerated in the all-

---

[3] Defendants actually filed multiple motions to dismiss: (1) a motion to dismiss by the State of Alabama, Judge Woodroof, District Attorney Valls, Assistant District Attorney Jones, Circuit Court Clerk Page, and Circuit Court Reporter Gentry; (2) a motion to dismiss by Limestone County and the Limestone County Commissioners; and (3) a motion to dismiss or, alternatively, for more definite statement of plaintiff's complaint, by Sheriff Blakely and Deputy Sheriff Craig.

male section of the jail, that her windowed cell allowed a camera manned by men to watch her at all times, and that male jailers entered her cell without any warning at their pleasure.

The district court dismissed all of Caffey's claims in both complaints based on lack of subject matter jurisdiction under the Rooker-Feldman doctrine.

II. DISCUSSION

A. Rooker-Feldman Doctrine

The Rooker-Feldman doctrine limits the subject matter jurisdiction of federal courts, other than the United States Supreme Court, over certain matters related to prior state court litigation. Goodman ex ret. Goodman v. Sipos, 259 F.3d 1327, 1332 (11th Cir. 2001). The Rooker-Feldman doctrine reflects that "federal courts, other than the United States Supreme Court, have no authority to review the final judgments of state courts." Siegel v. Lepore, 234 F.3d I 1 63, 1172 (11th Cir. 2000) (en bac); see District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 486 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413, 415-16 (1923).[4]

Under the Rooker-Feldman doctrine, federal courts, other than the Supreme Court, have no authority to review federal constitutional claims presented or adjudicated by a state court or to review claims that are "inextricably intertwined" with a state court's final judgment. Siegel, 234 F.3d at 1 172. "A federal claim is

---

[4]We review questions of subject matter jurisdiction de novo. Singleton v. Apfel, 231 F.3d 853, 856 (11th Cir. 2000).

inextricably intertwined with a state court judgment if the federal claim succeeds only to the extent that the state court wrongly decided the issues before it." Id. (internal quotation marks omitted). In addition, a claim is inextricably intertwined with a state court judgment, even when the federal plaintiff failed to raise such claim in state court, so long as "the plaintiff had a reasonable opportunity to raise his federal claim in state proceedings." Wood v. Orange County, 715 F.2d 1543, 1547 (11th Cir. 1983); see Goodman, 259 F.3d at 1332. In contrast, federal district courts have jurisdiction to hear general constitutional challenges to state rules because reviewing such an attack "do[es] not require review of a final state-court judgment in a particular case." Feldman, 460 U.S. at 486; Blue Cross and Blue Shield of Maryland, Inc. v. Weiner, 868 F.2d 1550,1554 (11th Cir. 1989); Wood, 715 F.2d at 1546.

B. Federal Claims in Caffey's Complaints

We first affirm the district court's dismissal of Caffey's § 1985 conspiracy claim and all of her § 1983 claims except for the separate Eighth Amendment claim based on prison conditions. All of Caffey's § 1983 claims and her § 1985 conspiracy claim do nothing more than recast claims that Caffey made before the state courts. In addition, her § 1985 conspiracy claim and § 1983 claims are inextricably intertwined with state court rulings regarding, inter alia, the propriety of her contempt conviction and incarceration and defendants' alleged failure to produce a correct and complete appellate record. Thus, under the Rooker-Feldman

doctrine, the district court properly dismissed these federal claims for lack of subject jurisdiction.

We give several examples of how Caffey's purported constitutional challenges to Alabama's procedures are inextricably intertwined with her contempt conviction and incarceration. Caffey's amended complaint alleges that Alabama maintains a custom or policy that "includes ordering a response from the trial court on any allegations concerning the appellate record, and then accepting said response and rejecting any evidence to the contrary." This is, in effect, a specific attack on the Alabama appellate court's disposition of the appellate record issue in Caffey's contempt case and its determination that the record certified by Judge Woodroof was correct and complete. It also attacks, in effect, the Alabama appellate court's decision that Caffey failed to pursue appropriate relief under Alabama's appellate procedural rules by requesting an order from the appellate court to supplement or correct the record. Because Caffey's appellate record claims are inextricably intertwined with the state court's judgments about her contempt conviction and incarceration, they are barred under the Rooker-Feldman doctrine.[5] See Goodman, 259 F.3d at 1332.

---

[5]Caffey also asserted repeatedly that Rooker-Feldman does not apply when a claim only concerns "prospective relief " However, we reject this assertion because, as this Court noted in Goodman ex rel Goodman v. Sipos, our decisions regarding Rooker-Feldman "focus on the federal claim's relationship to the issues involved in the state court proceeding, instead of on the type of relief sought by the plaintiff." Goodman 259 F.3d at 1333.

Caffey also asserts that Alabama's procedure of permitting a state appellate court to rule that an issue was not preserved for appeal, yet allowing that same court to resolve the issue regardless, violated her constitutional rights. Caffey also complains about Alabama's procedure that allows state appellate courts to supply reasons for a trial court's decision when the trial court has not explicitly provided any. The district court, however, cannot grant relief to Caffey regarding either claim without first reviewing and then invalidating the state appellate court's final judgment in her contempt case. As both claims are inextricably intertwined with the state appellate court's affirmance of the contempt conviction and sentence, the Rooker-Feldman doctrine bars these claims as well.[6] See Goodman, 259 F.3d at 1332.

---

[6]Regarding counts one through four in her amended complaint, Caffey alternatively argues that the Rooker-Feldman doctrine is inapplicable to these claims because she did not have a "reasonable opportunity" to raise them in the Alabama Supreme Court. Specifically, she points to the Alabama Supreme Court's denial of her petition for writ of certiorari to review eleven issues, some of which relate to the issues she now raises in counts one through four concerning the Alabama Court of Criminal Appeals' disposition of her appeal. However, this argument is without merit because a state appellate court ruling constitutes a final judgment for purposes of the Rooker-Feldman doctrine. See Liedel v. The Juvenile Court of Madison Count 891 F.2d 1542, 1545 (11th Cir. 1990) (recognizing that orders from juvenile court became final after the appellate court affirmed and the Alabama Supreme Court denied certiorari).

The only federal claim in Caffey's complaint not so barred is her Eighth Amendment claim in her amended complaint against Limestone County, the Limestone County Commissioners, Sheriff Blakely, and Deputy Sheriff Craig. As stated above, Caffey alleged that these defendants violated the Eighth Amendment by maintaining a policy and custom of unconstitutional prison conditions and that she was damaged by them during her 24-hour incarceration. Caffey's Eighth Amendment claim is predicated on events distinct from those underlying her contempt conviction and sentence and potentially may succeed without a determination that the Alabama courts wrongly decided any of the issues before them. See Siegel, 234 F.3d at 1172. Thus, Caffey's Eighth Amendment claim based on prison conditions is not inextricably intertwined with a final state court judgment and is not barred under the Rooker-Feldman doctrine.

C. Caffey's State Law Claims

For the same reasons, we conclude that, under the Rooker-Feldman doctrine, the district court properly dismissed all of Caffey's state law claims except for Caffey's one state law claim regarding certain prison conditions.[7] Caffey's state law claims also can succeed only if the district court were to determine that the Alabama courts wrongly decided the contempt and procedural issues before them. Like Caffey's Eighth Amendment claim, the one state law claim involving certain prison conditions is predicated

---

[7]See Charchenko v. City of Stillwater 47 F.3d 981, 984 (8th Cir. 1995) (concluding that the Rooker-Feldrnan doctrine barred state law claims).

on events distinct from those underlying her contempt conviction and sentence.[8]

III. CONCLUSION

For the reasons stated above, we reverse the district court's dismissal of Caffey's Eighth Amendment claim in her amended complaint against defendants Limestone County, the Limestone County Commissioners, Sheriff Blakely, and Deputy Sheriff Craig, and her one state law claim against the same defendants.[9] In all other respects, we affirm the district court's dismissal of all federal and state claims as to all defendants. The case is remanded to the district court for further proceedings consistent with this opinion.

AFFIRMED IN PART; VACATED AND REMANDED IN PART.

---

[8]This one state law claim is contained in the last six lines of paragraph 57 of Caffey's initial complaint, which is re-adopted by her amended complaint. Paragraph 57 contains other claims, but they are barred under the Rooker-Feldman doctrine. Although somewhat unclear, this one state law claim appears to involve only the defendants named in Caffey's Eighth Amendment claim.

[9]Although defendants ask us to consider, inter alia their sovereign, qualified, judicial, and prosecutorial immunity defenses, we decline to exercise our discretion to do so. The district court in the first instance should address whether these immunity defenses apply. See Goodman, 259 F.3d at 1331 n.5.

APPENDIX "B"

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

SHERRYL SNODGRASS CAFFEY,

Plaintiff

VS. Civil Action No. CV-02-S-0755-N E,

STATE OF ALABAMA, *et al.*

Defendants.

MEMORANDUM OPINION

This action is before the court on multiple motions: a motion to dismiss by defendants State of Alabama and various officials of Limestone County, Alabama (i.e., Circuit Judge James W. Woodroof, Jr., District Attorney Kristi A. Valls, Assistant District Attorney Brian Jones, Circuit Court Clerk Charles Page, Jr., and Circuit Court Reporter Regina Gentry) (doc. no. 9); a motion to dismiss by defendants Limestone County and Limestone County Commissioners Stanley Menefee, David Siebert, Tommy Raby, Bill Latimer, and Gerald Barksdale (doc. no. 10); and a motion to dismiss or, alternatively, for more definite statement of plaintiff's complaint, by defendants Limestone County Sheriff Mike Blakely and Deputy Sheriff Allen Craig (doc. no. 11). Each

motion argues for dismissal of plaintiff s complaint on a variety of grounds.

Plaintiff's complaint stems from an incident during her defense of a criminal proceeding before defendant Limestone County, Alabama Circuit Judge James W. Woodroof Jr., during which Judge Woodroof held plaintiff in contempt of court and ordered her incarcerated in the Limestone County jail.

Plaintiff invoked this court's subject matter jurisdiction under 28 U.S.C. §§ 1331,1332 [sic],[1]1343, and 1367 (complaint ¶ 1, at 2), and seeks relief under 42U.S.C. §§ 1983 and 1988[2] for, among other things,

---

[1]There is no diversity of citizenship.

[2]Section 1983 is not jurisdictional and it is not "itself a source of substantive rights, but merely provides a method for vindicating federal rights elsewhere conferred.' *.41bdght v. Oliver, S*I 0 U.S. 266, 271, 114 S.Ct. 807, 81 1, 127 L.Ed.2d 1 14 (1994) (citations and internal quotation marks omitted). In pertinent part, the statute provides that:

> Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to die deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. . .

alleged violations of plaintiff s Fourteenth Amendment rights to due process and equal protection of the laws, and her First Amendment right to freedom of speech, and rights guaranteed by the Fourth, Fifth, Sixth, and Eighth Amendments. Plaintiff also seeks this court's supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over state law claims alleging conspiracy, abuse of process, false imprisonment and/or false arrest, assault and battery, invasion of privacy, libel and slander, and outrageous conduct.

All defendants seek dismissal of plaintiff's complaint on the grounds that her claims are barred by the so-called *"Rooker-Feldman* doctrine,"[3] which "places limits on the subject matter jurisdiction of federal district courts and courts of appeal over certain matters related to previous state court litigation." *Goodman ex rel Goodman v. Sipos,* 259 F.3d 1327, 1332 (11th Cir. 2001). These limits are appropriate because "federal courts, other than the United States Supreme Court, have no authority to review the final judgments of state courts." *Siegel v. LePore,* 234 F.3d 1163, 117 (11th Cir. 2000) (en banc). Specifically, *the Rooker-Feldman* doctrine deprives federal district courts and circuit courts of appeal of subject matter jurisdiction over claims that are

---

42 U.S.C. § 1983. In the amended complaint (see discussion *infra,* at note 4), plaintiff stated that: "Jurisdiction of this Honorable Court is also invoked pursuant to 42 U.S.C. § 1985." Again, § 1985 is not jurisdictional, but creates civil remedies for conspiracies which deprive a person of rights secured by the Fourteenth Amendment. In any event the addition of this statutory basis for plaintiff's claims does not alter this court's subsequent discussion.

[3]*See* Motion to Dismiss (doc. no. 9), at 2,

inextricably intertwined with a previous state court judgment when the federal plaintiff had a reasonable opportunity to raise the federal claims in the state court proceedings. *See District Of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 476-82, 103 S.Ct. 1303, 1311-15, 75 L.Ed.2d 206 (1983); Rooker v. Fidelity *Trust Co.*, 263 U.S. 413, 415-16, 44 S.Ct. 149, 150, 68 L-Ed. 362 (1923); *Sipos*, 259 F.3d at 1327; *Siegel*, 234 F.3d at 1172; *Dale v. Moore*, 121 F.3d 624, 626 (11th Cir. 1997); *Powell v. Powell, 80* F.3d 464,467 (11th Cir. 1996). "A federal claim is inextricably intertwined with a state court judgment if the federal claim succeeds only to the extent that the state court wrongly decided the issues before it." *Siegel*, 234 F.3d at 1172. A party's ability to raise a claim on appeal of the state court judgment constitutes a reasonable opportunity to raise her claim in the state court proceedings. *See Blue Cross and Blue Shield of Maryland, Inc. v. Weiner*, 868 F.2d 1550, *1555* (11th Cir. 1989).

Plaintiff's initial complaint brings due proms, equal protection, and First Amendment free speech claims under 42 U.S.C. § 1983, in a challenge to the specific conduct of defendants during proceedings in which plaintiff was cited and jailed for contempt of court, to the conduct of defendants while plaintiff was incarcerated, and to the procedures employed by defendants during the course of her subsequent state appellate court proceedings. Plaintiff also asserts state law claims that similarly challenge defendants' conduct prior to, during, and following plaintiff's incarceration for contempt.

Plaintiff subsequently amended her complaint, in response to defendants' assertion that such specific challenges to state court proceedings were barred by the *Rooker-Feldman* doctrine. In her amendment, plaintiff appears to bring a general constitutional challenge to Alabama trial and appellate court procedures, perhaps because "federal district courts have jurisdiction over general constitutional challenges." *Blue Cross and blue Shield of Maryland, Inc. v. Weiner,* 868 F.2d 1550, 1554 (11th Cir. *1989); see also Grendell v. Ohio Supreme Court, 252F.3d 828, 836*(6thCir. 2001) (recognizing that, in case seeking injunctive relief to prevent the enforcement of a sanctions that had been imposed on plaintiff by the Ohio Supreme Court, the *"Rooker -Feldman* doctrine likely barred federal district court review of the imposition of sanctions - as that would involve lower federal court review of the Ohio Supreme Court's judgment .... Grendell voluntarily amended this initial complaint to a general constitutional challenge," which "conform[ed] with the strictures of the *Rooker-Feldman* doctrine"). To that end, although plaintiff does not cite any particular rule, she asserts in Count One of her amended complaint that "the State of Alabama maintains a custom, policy, procedure and law which denies appellants a true and complete copy of the appellate record, and which thereby deprives the appellant of due process and equal protection."[4] Count Two alleges that "Alabama maintains a policy, practice

---

[4]Plaintiff's Amended Complaint (doc. no. 16), at 1. *Nota bene:* The pleading filed on May 30, 2002 as document number 16 was entitled "Plaintiff's Response to Defendants' Motion to Dismiss." Plaintiff subsequently moved on August 20, 2002 "To Correct [the] Caption" of her previously filed pleading to correctly reflect that she intended it to be "Amendment One to Complaint" (doc. no. 19). This court has so construed document no. 16.

and law which mandates an appeal bond to avoid incarceration, or to be released therefrom ... forc[ing] the appellant to choose between an appeal or incarceration . . .," thereby "depriv[ing] the appellant of a reasonable opportunity to use the appellate system, or of the constitutional right to reasonable bail ...."[5] In Count Three, plaintiff asserts that the State of Alabama "maintains a custom, policy, procedure, or practice which permits it to render a finding and/or decision on an appellate issue after finding that said appellate issue was not preserved for appellate review," and that such policy "effectively denies the appellant a fair and impartial hearing in the State appellate court; and deprives the appellant of an opportunity to seek legal redress in a separate lawsuit in Federal Court. . . . "[6] Plaintiff states that these customs or policies violate her Sixth Amendment right to a fair and impartial trial. Finally, Count Four of plaintiff's amended complaint alleges that the State of Alabama "maintains a custom, policy, practice [sic] which permits them [sic] to 'second guess' the reasons for a trial judge's decision," and that such violates her constitutional rights under the Fifth, Sixth, and Fourteenth Amendments.[7]

While plaintiffs amended complaint appears to state a general constitutional challenge, that is mere artifice. Even as amended, her complaint smacks of nothing more than a challenge to the specific conduct of defendants before, during, and following her

---

[5]Doc. no. 16 (construed as amended complaint) at 4.

[6] Id. Doc. No. 16 (construed as amended complaint), at 6.

[7] Id. At 7-8

incarceration for contempt on March 23, 2000. As grounds for this conclusion, this court first points to the remainder of plaintiff's amended complaint. For example, in paragraph two of amended "Count One," plaintiff specifically challenges: the rejection by the Alabama Criminal Court of Appeals of documents allegedly missing from the appellate record regarding her contempt conviction;[8] contests findings of the Court of Criminal Appeals as to the rulings and conduct of defendant Judge Woodroof regarding plaintiff's contempt conviction;[9] and, alleges impropriety by that court surrounding plaintiff's attempt to correct or supplement the record regarding her contempt conviction.[10] Count Two of the amended complaint specifically challenges: plaintiff s removal from the courtroom by defendant Judge Woodroof;[11] contests plaintiff s incarceration itself, along with her alleged inability to file a post-judgment motion prior to her appeal of the contempt conviction;[12] and the ruling by the Alabama Court of Criminal Appeals on her appeal of the contempt conviction.[13] Counts Three and Four of the amended complaint also specifically challenge the ruling of the Alabama Court of Criminal Appeals on plaintiff s appeal of her contempt

---

[8] See id. At 2 (Count One).

[9] See id.

[10] See id.

[11] See id. At 4 (Count Two).

[12] See doc. No. 16 (construed as amended complaint), at 4.

[13] See id. At 5.

conviction.[14] The remainder of the amended complaint similarly contests the specific actions of defendants regarding plaintiff's March23,2000 contempt conviction, arrest, incarceration, and subsequent appeal.[15]

Also supporting a finding that plaintiff is specifically challenging the state court proceedings below is the fact that in her motion to correct the caption of her amended complaint (doc. no. 19), plaintiff states that the amended complaint is to be read in conjunction with her original complaint. Looking to the original complaint the court is unable to find a single count within that pleading that resembles a general constitutional challenge. Instead, each of the counts in the original complaint is focused on plaintiff's March 23, 2000 contempt conviction, arrest, incarceration, and subsequent appeal. Given these facts, the court is of the opinion that plaintiff brings solely a specific challenge to the state trial and appellate court proceedings governing plaintiff's contempt conviction. In essence, plaintiff seeks to have this court reverse the rulings of the state trial court and the Alabama
Court of Criminal Appeals on the matter of her contempt conviction.

---

[14] See id. At 7.

[15] *See id.* at 8-13 (stating a conspiracy and abuse of process claim against defendants Judge Woodroof, Paige, Gentry, Valls, and Jones for conduct concerning plaintiff's contempt conviction, incarceration, and subsequent appeal; also stating claims against defendants Limestone County, Limestone County Commissioners, Blakely, and Craig for alleged mistreatment during her incarceration in March of 2000).

This court does not have subject matter jurisdiction to review the final judgment of the state courts in those proceedings, however, and plaintiff s claims are due to be dismissed, unless plaintiff has shown that she had "no reasonable opportunity to raise [her) federal claim in state proceedings." *Goodman,* 259 F.3d at 1333 (quoting *Powell v. Powell,* 80 F.3d 464,467 (11th Cir. 1996)). Plaintiff has failed to make this showing. According to the Alabama Court of Criminal Appeals, plaintiff argued, for the first time on appeal of her contempt conviction, that defendant Judge Woodroof "violated both Alabama law and constitutional principles."[16] That court noted that it

> has consistently held that its review is limited to claims properly raised in and ruled upon by the trial court. *See Brown v. State,* 701 So. 2d 314, 316 (Ala. Crim. App. 1997) (contemnor's claims not preserved, because they were not raised in the trial court). Because Caffey did not raise claims regarding the propriety of the contempt citation and sentence in the trial court, she has failed to preserve these issues for appellate review.[17]

The Court of Criminal Appeals nonetheless proceeded to consider the validity of plaintiff's contempt conviction, and concluded that there had been error

---

[16]Plaintiff's evidentiary submissions (doc. no. 18), Ex. B (Petition for Writ of Certiorari), Ex. 9 (Memorandum), at 10.

[17] Id.

by the trial court in citing plaintiff for contempt.[18] Accordingly, this court concludes that plaintiff had adequate opportunity to pursue her constitutional claims in the state courts.

This court finds that plaintiff similarly had an opportunity to pursue her claims that the trial court had "falsely certified" the record on appeal. The Court of Criminal Appeals noted that, dissatisfied with the record on appeal, plaintiff filed a motion to correct and/or supplement the record in the criminal appellate court. Because Alabama Rule of Appellate Procedure 10(g) dictates that such motions are to be filed in the. appropriate circuit court, the Court of Criminal Appeals transferred the motion to the circuit court for disposition.[19] Defendant Judge Woodroof entered an order stating that "he had reviewed the transcript and the court record with the circuit clerk and the court reporter, and determined that the record, as submitted, was true, correct, and complete.[20] At that juncture, plaintiff was entitled to seek "appropriate relief in the appellate court by requesting that the Court of Criminal Appeals "order that a supplemental or corrected record be certified if the record was incorrect or incomplete.[21] Plaintiff chose not to pursue relief in the appellate court, however.[22]

---

[18] See id.

[19] See id.

[20] Id. at 10-11

[21] Id.

[22] See id. at 11.

in light of plaintiff's failure to pursue her claims at the state court level, despite her opportunity to do so, plaintiff's claims are barred by the *Rooker-Feldman* doctrine, and due to be dismissed. It therefore is not necessary for this court to address the issues of whether plaintiff's claims also are barred by judicial, prosecutorial, qualified, and Eleventh Amendment immunities. An appropriate order will be entered contemporaneously herewith.

DONE this 5th day of September, 2002.

"S/Lynwood Smith"
United States District Judge

APPENDIX "C"

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

SHERRYL SNODGRASS CAFFEY,	**ENTERED**
	Sep 05 2002
Plaintiff,	
vs.	**CIVIL**
	ACTION NO.
STATE OF ALABAMA, *et al.*,	**CV-02-S-**
	0755-NE
Defendants.	

ORDER

In accordance with the memorandum opinion entered contemporaneously herewith, all claims of plaintiff are dismissed. Costs are taxed to plaintiff. The clerk is directed to close this file.

DONE this 5th day of September, 2002.

"S/Lynwood Smith"
United States District Judge

APPENDIX "D"

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

SHERRYL SNODGRASS CAFFEY,	} ENTERED
	} Sep 05 2002
Plaintiff,	}
	}
vs.	} CIVIL
	} ACTION NO.
STATE OF ALABAMA, *et al.*,	} CV-02-S-
	} 0755-NE
Defendants.	}

Denied 17 September 2002.
"S/Lynwood Smith"

MOTION TO ALTER OR AMEND JUDGMENT

COMES NOW Plaintiff, and pursuant to the statutory authority set forth in Rule 59(e) of the Federal Rules of Civil Procedure, hereby moves this Honorable Court to alter its Judgment in its Order entered on September 5, 2002, which dismisses all of Plaintiff's claims, and to reinstate the same; and as grounds therefor states the following: .....